

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, FEBRUARY 14 AND 15, 2011
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of February 14 and 15, 2011, as follows

CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 14, 2011

(Closed Session Items were heard on Tuesday, February 15, 2011.)

CLOSED SESSION MEETING FOR TUESDAY, FEBRUARY 15, 2011

Present: Mayor Sanders, Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio (arrived @9:10 a.m.), Zapf, and Alvarez

Absent: Councilmember Emerald – Dist. 7 (Absent for Items CS-7 and CS-8.)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Border Business Park, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 692794

National Enterprises, Inc. v/ City of San Diego
San Diego Superior Court Case No. GIC 730011

Otay Acquisitions, LLC v, City of San Diego
San Diego Superior Court Case No. GIC 753247

Otay Truck Parking, L.P. v. City of San Diego
San Diego Superior Court Case No. 37-2009-00095661 CU-EI-CTL

DCA Assigned: D. Karlin
Outside Council: Kristine L. Wilkes, Christopher Garret & Patricia Guerrero,
Latham & Watkins.

Report: Nothing to report.

CS-2 *1766-70 Grand Avenue, LP v. City of San Diego*
San Diego Superior Court Case No. 37-2010-00091615-CU-PO-CTL

DCA Assigned: C. Richardson

Report: Nothing to report.

CS-3 *San Diego City Employees' Retirement System v. San Diego City Attorney Michael J. Aguirre, et al.*
San Diego Superior Court Case No. GIC 841845

DCA Assigned: W. Chung

Report: Nothing to report.

CS-4 *San Diego Municipal Employees' Association, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. 37-2008-00096145-CU-BC-CTL

DCA Assigned: W. Chung

Motion: File a notice of appeal.

Moved: Councilmember Emerald - Dist. 7

Seconded: Council President Young - Dist. 4

Vote: 8 to 0 [Passed Unanimously]

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Friday, February 18, 2011, at a Special Closed Session Meeting.

On Tuesday, February 15, 2011, the City Council voted in Closed Session on Closed Session Item No. 4 in the matter of the *San Diego Municipal Employees' Association, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2008-00096145-CU-BC-CTL. This case involves a determination by the trial court that a settlement between SDCERS and Judie Italiano was in good faith. The City filed a Writ of Mandamus with the Court of Appeals challenging the trial court's ruling. The Court of Appeals denied the City's Writ. The City Council authorized the filing of a Notice of Appeal.

The motion passed unanimously 8 to 0.

Conference with Legal Counsel - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-5 Number of Cases: One

Report: Nothing to report

Conference with Labor Negotiators, pursuant to Government Code section 54957.6:

CS-6 Management Team Members:

Timothy Davis, Burke, Williams & Sorensen LLP
Scott Chadwick, Director, Human Resources Department
Judy von Kalinowski, Deputy Director, Human Resources Department
Rimah Khouri, Labor Relations Officer
Karen DeCrescenzo, Labor Relations Officer
John O'Neill, Labor Relations Officer
Lourdes Silva, Labor Relations Officer
Greg Bych, Risk Management Director
Valerie VanDeweghe, Deputy Director, Risk Management Department
Javier Mainar, Fire Chief
Jeff Carle, Assistant Fire Chief
Brian Fenessey, Assistant Fire Chief
Rick Wurts, Lifeguard Chief
Hadi Dehghani, Personnel Director
Joan Dawson, Deputy City Attorney
William Gersten, Deputy City Attorney
Roxanne Story-Parks, Deputy City Attorney
Lori Thacker, Deputy City Attorney
Jan Goldsmith, City Attorney
Tanya Tomlinson, Deputy Director, Office of the City Attorney

Designated as representatives within the meaning of California Government Code section 54957.6(a):

Andrea Tevlin, Independent Budget Analyst
Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst

Employee organizations:

Deputy City Attorneys' Association
Local 145, International Association of Fire Fighters
San Diego Municipal Employees' Association
Teamsters, Local 911

Report: Nothing to report

CS-7 THIS ITEM WAS A DUPLICATE LISTING OF CLOSED SESSION ITEM CS-6.

CS-8 Management Team Members:

Timothy Davis, Burke, Williams & Sorensen LLP
Scott Chadwick, Director, Human Resources Department
Judy von Kalinowski, Deputy Director, Human Resources Department
Rimah Khouri, Labor Relations Officer
Karen DeCrescenzo, Labor Relations Officer
John O'Neill, Labor Relations Officer
Lourdes Silva, Labor Relations Officer
Greg Bych, Risk Management Director
Valerie VanDeweghe, Deputy Director, Risk Management Department
Javier Mainar, Fire Chief
Jeff Carle, Assistant Fire Chief
Brian Fenessey, Assistant Fire Chief
Rick Wurts, Lifeguard Chief
Hadi Dehghani, Personnel Director
Joan Dawson, Deputy City Attorney
William Gersten, Deputy City Attorney
Roxanne Story-Parks, Deputy City Attorney
Lori Thacker, Deputy City Attorney
Jan Goldsmith, City Attorney
Tanya Tomlinson, Deputy Director, Office of the City Attorney

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Andrea Tevlin, Independent Budget Analyst
Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst

Employee organizations:

Deputy City Attorneys' Association
Local 145, International Association of Fire Fighters
San Diego Municipal Employees' Association
Local 127, American Federation of State, County and Municipal Employees
San Diego Police Officers Association
Teamsters, Local 911

Report: Nothing to report

REPORTED BY: _____


Mary Jo Lanzafame
Assistant City Attorney

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION MEETING REPORT
FOR FRIDAY, FEBRUARY 18, 2011
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE SPECIAL CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Special Closed Session Meeting of February 18, 2011, as follows

SPECIAL CLOSED SESSION MEETING OF FRIDAY, FEBRUARY 18, 2011

Present: Mayor Sanders, Council President Young, and Councilmembers Lightner, Gloria, DeMaio, Zapf, and Emerald

Absent: Council President Pro Tem Faulconer – Dist. 2 (Absent for Item CS-1)
Councilmember Alvarez – Dist. 8 (Absent for the meeting.)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *City of San Diego v. San Diego City Employees’ Retirement System*
San Diego Superior Court Case No. 37-2010-00091207 CU-WM-CTL

DCA Assigned: W. Chung

Motion: Seek Writ to bring back to San Diego and retain co-outside counsel.

Moved: Councilmember DeMaio - Dist. 5

Seconded: Councilmember Emerald - Dist. 7

Vote: 7 to 0 [Passed] with Council President Pro Tem Faulconer and Councilmember Alvarez absent

Report: The Report Out was posted on the 12th Floor of the City Administration Bldg. on Friday, February 18, 2011:

On Friday, February 18, 2011, the City Council voted in Special Closed Session on Closed Session Item No. 1 in the matter of the *City of San Diego v. San Diego City Employees’ Retirement System*, San Diego Superior Court Case No. 37-2010-00091207 CU-WM-CTL. The case involves an action brought by the City of San Diego against the San Diego City Employees’ Retirement System (SDCERS) to

enforce the terms of San Diego Charter section 143 that requires the City and its employees to contribute substantially equally to the cost of the employees' pension benefits. The City Council authorized the City Attorney to file a petition for writ of mandate with the Court of Appeals regarding the trial court's decision to change the venue of this action to Los Angeles County.

The motion passed 6 to 0 with Council President Pro Tem Faulconer and Councilmember Alvarez absent.

Conference with Labor Negotiators, pursuant to Government Code section 54957.6:

CS-2 Management Team Members:

Timothy Davis, Burke, Williams & Sorensen LLP
Scott Chadwick, Director, Human Resources Department
Judy von Kalinowski, Deputy Director, Human Resources Department
Rimah Khouri, Labor Relations Officer
Karen DeCrescenzo, Labor Relations Officer
John O'Neill, Labor Relations Officer
Lourdes Silva, Labor Relations Officer
Greg Bych, Risk Management Director
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Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst

Employee organizations:

Deputy City Attorneys' Association
Local 145, International Association of Fire Fighters
San Diego Municipal Employees' Association
Teamsters, Local 911

Report: Nothing to report

CS-3 Management Team Members:

Timothy Davis, Burke, Williams & Sorensen LLP
Scott Chadwick, Director, Human Resources Department
Judy von Kalinowski, Deputy Director, Human Resources Department
Rimah Khouri, Labor Relations Officer
Karen DeCrescenzo, Labor Relations Officer
John O'Neill, Labor Relations Officer
Lourdes Silva, Labor Relations Officer
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Report: Nothing to report

REPORTED BY: _____


Mary Jo Lanzafame
Assistant City Attorney